

COMMITTEE AMENDMENT FORM

DATE: 06/15/04

COMMITTEE CITY UTILITIES PAGE NUM. (S) 4

ORDINANCE I. D. #04-O-0785 SECTION (S) 2

RESOLUTION I. D. #04-R- PARA.

AMENDS THE LEGISLATION BY INSERTING A NEW SECTION 2 WHICH
READS AS FOLLOWS:

SECTION 2: This ordinance shall become effective September 1, 2004.

AMENDMENT DONE BY COUNCIL STAFF 6/16/04.

**AN ORDINANCE BY
COUNCILMEMBER ANNE FAUVER
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

04-O-0785

AN ORDINANCE TO AMEND SECTION 138-13 AFFIXING SIGNS WITHIN RIGHT-OF-WAY OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO INCLUDE DEFINITIONS OF NEW TERMS WHERE APPLICABLE; TO REORGANIZE SUB-SECTIONS AFFECTING THE PLACEMENT OF SIGNS IN THE PUBLIC RIGHT-OF-WAY; TO HOLD THE PARTY CAUSING THE UNLAWFUL PLACEMENT OF SIGNS IN THE PUBLIC RIGHT-OF-WAY RESPONSIBLE FOR THE COST OF REMOVAL; AND FOR OTHER PURPOSES.

WHEREAS, the proliferation of signs posted within and adjacent to the City of Atlanta public streets, roadways and intersections has become a prevalent problem in recent years and has reached a crisis level in the City of Atlanta;

WHEREAS, the location of signs within and adjacent to the City of Atlanta public streets, roadways and intersections, often compete with important traffic control devices for driver attention and thereby constitute an obstruction to the vision of drivers of motor vehicles and a hazard to both vehicular and pedestrian traffic upon the public streets;

WHEREAS, it is common practice for businesses to contract with sign installers who place these signs in strategic places across the City; and

WHEREAS, the location of signs within and adjacent to the City of Atlanta public streets, roadways and intersections is unlawful; and

WHEREAS, the installation of these unlawful signs in the city's right-of-way most often occur during evening or early morning hours and on weekends, thereby making the act of installation difficult to witness; and

WHEREAS, the primary beneficiary of any sign installed in violation of the City Code is presumed to have authorized or caused the installation, use or maintenance of the sign; and

WHEREAS, the continued display of special event signs following the conclusion of the event thereby advertised serves no useful purpose and constitutes visual blight upon the public streets; and

WHEREAS, the Council of the City of Atlanta may adopt reasonable regulations in the interest of public health, safety and welfare and reach no further than necessary to accomplish said objectives.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Section 138-13 **Affixing signs within right-of-way** of the Code of Ordinances be amended by being deleted in its entirety and being replaced with the following:

Sec. 138-13. Sign Restrictions in the Public Right-of-Way

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "*Affix*" shall mean the act of tacking, nailing, posting, gluing, painting, stapling, marking or writing upon the surface of any structure or directing, authorizing or paying another to do such act.
- (2) "*Public property*" within the public right-of-way shall mean the area lying within the dedicated or prescriptive easement of any street or road located within the city, whether improved or not, including sidewalks, ditches, drains, the tree lawn areas between detached sidewalks and streets, roadway medians, parkways, bridges, utility poles and boxes, street signs and sign *poles*.
- (3) "*Sign*" shall mean any material containing printed or written matter in words, symbols, pictures, or any combination thereof, including, but not limited to flyers, handbills, pennants, posters, and streamers.
- (4) "*Special event sign*" shall mean any temporary sign which shall advertise or promote any meeting, event, gathering, function, entertainment or other activity scheduled for a particular date or series of consecutive days.

(b) **Signage prohibited.** Except as provided in this section, it shall be unlawful to post or affix signs on public property within the public right-of-way.

(c) **Exceptions.** Nothing in this section shall apply to the installation of the following:

- (1) Metal plaques or plates commemorating a historical, cultural or artistic event, location or personality;
- (2) Signage identifying licensed franchisees of the city or indicating the presence of workers of permitted utilities and their facilities or equipment within or immediately adjacent to the right-of-way;
- (3) Signage identifying or directing vehicular or pedestrian traffic to or from property immediately adjacent to the signage when displayed on structures under the ownership or control of the property owner or lessee;

- (4) Signage providing public transportation information;
- (5) Signage providing direction to governmental facilities, hospitals or houses of worship;
- (6) Signage affixed pursuant to permits issued by governmental entities having authority to do so;
- (7) Signage used to provide for the safety of individuals using the public right-of-way or immediately adjacent property;
- (8) Flags, banners, bunting, signs, displays or other forms of decoration which are displayed in conformance with and permitted by section 138-60; or
- (9) Commercial advertisements which are displayed in and on bus shelters in conformance with the requirements of O.C.G.A. § 32-6-51.

(d) **Removal.** Any signs found upon any public property, not in compliance with this section, may be removed by the city. The person(s) responsible for causing the unlawful sign to be placed on any public property may be held responsible for the cost of removal. These persons shall include, but are not limited to, any individuals or businesses whose advertisement, message or information appears on or is contained in any sign or notice unlawfully placed on public property.

(e) **Special Event Signage.** Any special event signs found upon any public property may be removed by the city. The person(s) responsible for causing the unlawful special event sign to be on public property may be held responsible for the cost of removal. In addition, the person(s) responsible for causing the unlawful special event sign to be on public property shall be subject to a minimum of three (3) days in jail. These persons shall include, but are not limited to, any individuals or business whose special event appears on or is contained in any special event sign or notice unlawfully placed on public property and any individual responsible for authorizing, directing, or paying persons who unlawfully place special event signs on public property.

(f) **Citations.** Any person violating this section shall receive a citation. The citation shall state the date, location, and brief description of the violation. The citation penalty may be paid prior to the assigned court date, in the amount of \$100 per violation to cover the removal of the unlawfully placed sign. Payment may be made as directed by the citation. Upon a third, and subsequent, violation, the person cited must appear in court.

(g) **Penalties.** Any person violating this section shall be subject to one or more of the following penalties:

- (1) A minimum fine of \$150.00 for each unlawfully placed sign or special event sign;

- (2) Imprisonment for a term not exceeding five days.

Fines that remain unpaid after sixty (60) days will automatically trigger a separate violation, resulting in the responsible person(s) being subject to the penalties provided in this Chapter, in addition to the original fines and/or jail time.

(h) **Enforcement.** Any person empowered by the City of Atlanta to issue citations may enforce the provisions of this section.

SECTION 2: This ordinance shall become effective September 1, 2004.

AN ORDINANCE BY

COUNCILMEMBER ANNE FAUVER

04-0785

**AN ORDINANCE TO AMEND SECTION 138-13 AFFIXING SIGNS
WITHIN RIGHT-OF-WAY OF THE CODE OF ORDINANCES OF
THE CITY OF ATLANTA SO AS TO DECLARE THE PERSON
OR ENTITY WHOSE NAME AND/OR ADDRESS AND
TELEPHONE APPEAR ON ILLEGALLY POSTED SIGNS, TO BE
THE RESPONSIBLE PARTY**

WHEREAS, the proliferation of illegally posted signs has become a prevalent problem in recent years and has reached a crises level in the City of Atlanta; and

WHEREAS, the posting of such signs is illegal; and

WHEREAS, these signs are a visual blight on the landscape, often block driver visibility and pedestrian access and compete with important traffic control signs for driver attention; and

WHEREAS, the installation of these illegal signs in the City's right-of-way most often occur during evening or early morning hours and on weekends; and

WHEREAS, it is common practice for businesses to contract with sign installers who place these signs in strategic places across the City; and

WHEREAS, the primary beneficiary of any sign installed in violation of the City code is presumed to have authorized or caused the installation, use or maintenance of the sign; and

WHEREAS, it is the desire of the Atlanta City Council to hold such persons responsible.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF ATLANTA, GEORGIA** as follows:

Section 1: That Section 138-13 Affixing signs within right-of-way of the Code of Ordinances is hereby amended to add a new subsection (d) to read:

“The person or entity whose name and telephone appears on an illegally placed sign shall be in violation of Section 138-13.”

Section 2: That subsection (d) and subsequent subsections be re-numbered.

Section 3: That all ordnances and parts of ordinances in conflict herewith are hereby repealed.